

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/2/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONNA VESTUTI,

Plaintiff,

-against-

MARRIOTT INTERNATIONAL, INC.,
MARRIOTT WORLDWIDE CORPORATION and
ROYAL ST. KITTS BEACH RESORT LIMITED,

Defendants.

24-CV-4039 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has reviewed plaintiff's letter-motion dated December 17, 2024 (Dkt. 47), requesting that this action be transferred to the District of Maryland, and defendants' response dated December 20, 2024 (Dkt. 49), opposing the motion because plaintiff "offered no evidence and presents no argument supporting [t]he District of Maryland's jurisdiction over named defendant Royal St. Kitts Beach Resort Limited." Plaintiff did not file any reply.

Given the present state of the record, it would be difficult to transfer this action to the District of Maryland pursuant to 28 U.S.C. § 1404(a) (authorizing the district court to transfer a case, on convenience grounds, to "any other district . . . where it might have been brought") or 28 U.S.C. § 1406(a) (authorizing the district court to transfer an improperly-venued case to "any district . . . in which it could have been brought"). *See Posven, C.A. v. Liberty Mut. Ins. Co.*, 303 F. Supp. 2d 391, 401 (S.D.N.Y. 2004) ("For the purposes of section 1404(a), an action might have been brought in another forum if, at the time the action was originally filed, the transferee court would have had subject matter jurisdiction and personal jurisdiction over the defendants, and if venue would have been proper in the transferee court."); *Gibbons v. Fronton*, 661 F. Supp.

2d 429, 434 (S.D.N.Y. 2009) (for a § 1406(a) transfer, "[v]enue must be proper and the defendants must be subject to personal jurisdiction in the transferee forum").

Judge Moses will hold a conference on **January 13, 2025, at 12:00 p.m.**, in Courtroom 20A, 500 Pearl Street, New York, NY 10007, to discuss the parties' options. Prior to the conference, the parties must meet and confer in a good faith attempt to reach agreement on an efficient course of action.

Dated: New York, New York
January 2, 2025

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge